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against fire. *Held*, that where private property is destroyed by fire, as a result of the negligence of the water company, an action will lie in favor of the owner of the property, for failure of the company to perform its contract. After accepting the benefits of the contract the company is estopped from denying its liability under the statute of frauds for its failure to sign the contract.

It is well settled that no action will lie against a city in favor of a private owner, for city neglecting to provide a sufficient water supply. *Tainter v. Worcester*, 123 Mass. 311. But in this case the court reasoned that the contract was made by the city for the benefit of its citizens and as there is a privity of contract an action may be maintained. *Gorrell v. Supply Co.*, 124 N. C. 328; *Paducah Lumber Co. v. Paducah Water Supply Co.*, 89 Ky. 340.

COURT-MARTIAL—REGULAR OFFICERS INCOMPETENT TO TRY VOLUNTEERS.—*DEMING v. McCLAUGHRAY*, 113 Fed. 639 (C. C. A.).—A volunteer was tried and convicted by a court-martial composed of officers of the regular army. *Held*, that the volunteer force is not a part of the regular army, and that regular officers are incompetent to try volunteers.

Although the general commanding the army has held that regular officers can lawfully try volunteers, *Circular 21, H. I. A., June 30, 1898*, the uniform course of legislation, decision and practice establishes the fact that it has become the policy of the United States to prohibit the trial of officers and soldiers of the volunteer force by the officers of the regular army. 1 *Stat.* 424; 2 *Stat.* 371; *Bénet, Military Law*, 25; 18 *Stat.* 113.

DOWER—MINERAL RIGHTS—LIFE ESTATE—OIL.—*HIGGINS OIL & FUEL CO. v. SNOW*, 113 Fed. 433 (C. C. A.).—Defendant was entitled to dower estate in certain land under the laws of Texas. *Held*, that she had the right to drill oil wells and claim the proceeds.

The general rule at common law is that a life tenant may work mines that are open when the tenancy commenced but he cannot open new mines. *Stoughton v. Leigh*, 1 Taunt. 402; *Coates v. Cheever*, 1 Cow. 460; *Wentz's Appeal*, 106 Pa. 301. And some of the more modern cases go further, holding that mining will be allowed if the owner of the preceding estate has fixed on it the character of mining land. *Piddy v. Griffith*, 150 Ills. 560; *Seager v. McCabe*, 92 Mich. 186. But the Court disregarding the common law follows boldly the rule of the civil law, 2 *Dom. Civil Law*, 945-968, *Bryan, Petroleum*, 41, and declares that the tenant in dower has the right to seek for and open every kind of mine and is entitled to the proceeds thereof.

ELECTIONS—QUALIFICATIONS—CONSTITUTIONAL LAW—*POWELL v. SPACKMAN*, 65 Pac. 503 (Id.).—*Held*, that a soldier making his permanent residence at a soldier's home does not thereby acquire a right to vote in the county or precinct where such institution is situated. Sullivan, J., dissenting.

The leading case, decided under New York constitutional provision (copied by many States) withholding this right where persons are supported by the public in charitable institutions is, *Silvey v. Lindsay*, 107 N. Y. 55; followed here and in Michigan and Kansas, but rejected in California, Oregon and in *U. S. v. Rowdebush*, *Fed. (Ia., not reported)*. There seems to be reluctance in applying the rule without exception, and a conflict of opinion as to circumstances justifying exception.